

January 14, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Comm. Maynard; Rosemary Knowles; Andy Hoehn; Ron Neuman; Jim Powers; Dave and Judy Whitten; Jesse Montgomery; Kay Kilgore; Mary Rose; Geneva James; Jerry Walden; Dick Honebrink, Tom Hogan, and Mike Radiman – Johnson Controls, Inc.; Elaine Springer; Ed and Glenda Adams; Ann Blackburn; Sis Claxton; Barry Tanner; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Curtis stated the Board has a question about the Crow Chizek bill, and they would like more clarification before they approve it.

Board member Askren asked that Attorney Higgins look into this and if she feels it is a legitimate bill, they will pay it.

Attorney Higgins replied she can do that and possibly get a modified billing from them.

Board member Curtis then moved all claims be allowed for payment with the exception of the Crowe Chizek bill. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated he has a request this evening on behalf of Gordon Jeffries, who lost his wife tragically in November, and in December was himself struck down with a serious illness. He continued by stating Mr. Jeffries was not paid for the Christmas or New Year's Holidays, due to being off, and he would like permission to pay him for those. He added this would not normally be done, but he has definitely had a hardship.

Chairman Curtis stated he can definitely recognize his hardship, and it is horrible, he can not imagine losing his wife, but if the Board does this, they will be setting a major

precedent. He added the city has personnel policies on the books and this conflicts with those. He then asked Attorney Higgins for her opinion.

Attorney Higgins replied there used to be, and she assumes there still is, an ordinance on the books stating that to be paid for the holiday, an employee needs to work the day before and the day after. She added they need to be very careful when deviating from their ordinances, very careful.

Chairman Curtis stated he feels to allow this would be a violation.

Attorney Higgins stated it is important to conform to the city ordinances.

Supt. Gray stated he will let Mr. Jeffries know. He then stated everything else seems to be running smoothly.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked about the Financial Report.

Clerk-Treasurer Wolfe stated she has not seen it yet.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is an addendum to the Johnson Controls Contract.

Tom Hogan, Dick Honebrink, and Mike Radiman approached the podium, with Mr. Hogan stating they are with Johnson Controls and have been with the city for over a year now. He added they were contracted to make improvements in the north service area as well as the plant, providing a cost savings, as well as a scope of work. He added they are projecting a cost savings of \$10M which will pay for the improvements at the plant. He then added the contract addendum in question has been seen by the Board at a previous meeting.

Attorney Higgins stated there are a few revisions that need to be made before this document is executed, and as added, there are some numbers that were not even final until today. She then stated this is being presented to the Board as an addendum to the 2006 contract and includes the area north of town that Mr. Hogan mentioned. She then stated as for the \$10M savings, part of that is the cost of the contract at \$5,572,028.00 for the work to complete the project. She then stated there is also a 15 year service period, over which the \$10M will be spread, that the city will then be paying to have the work done. She added this project will be subject to bonding as well.

Board member Curtis stated as there are some new people on the Board, he will attempt to bring them up to speed on the project. He explained the scope of the project as covering the water from the time it enters the plant until it leaves the plant (re: the new trident filters, capacity with additional pumps to 8Mg per day and the second phase for Aventine). He added it also encompasses the north loop covering the Farmersville area; and the Keck Booster Station.

Mr. Radiman replied that is essentially it yes. He added the piping internally has been sized to handle 8Mg per day.

Board member Hoehn asked if this includes work on the intakes ?

Mr. Honebrink replied for temporary intakes, yes. He added it will take another study for a permanent fix to the intakes, and that takes time; which they don't have right now due to the deadlines with Aventine. But, he added, yes, there is a temporary design included. He then stated there will also be a separate building for the filtration which will include maintenance of the heavy equipment.

Board member Hoehn again asked if the agreement did include the intake lines, though temporarily ?

Mr. Honebrink replied yes.

Board member Curtis stated it would require an additional project for a permanent fix to the intakes, they are going right now with a temporary fix in order to meet Aventine's deadline. He added this is a big project and something that he has looked into for a year and a half. He then stated the whole water utility needs fixed and fixed right, no more band aids. He added he feels this is the way to do it, accept this addendum and move forward.

Attorney Higgins reminded the Board that for new permanent intakes another addendum would be required.

Board member Fuelling asked if there are any bids yet on that part ?

Board member Curtis replied no, not yet.

Board member Hoehn agreed there are band aids on the system currently, and she understands the need to fix them temporarily, but wondered if there was any guarantee they would hold ?

Attorney Higgins replied they only have to hold for 18 months.

Mr. Honebrink agreed and added the existing intakes will not be touched, they will be installing an additional intake with the addition of the temporary intake. He added this is an alternate route that will give the city years of service.

Board member Curtis added the city could always go back to the old intakes, but they would not want to do that.

Board member Hoehn asked if the Utility Board could get a copy of the addendum that Attorney Higgins has ?

Attorney Higgins replied they did not receive a copy as she only got hers today. She added there is some verbiage in the contract that needs changed, but the cost and the scope of work will not change. She added it is not ready for signature tonight. She stated the contract consists of the \$5.5M of work, and an M & V portion for 15 years that will be subject to annual audit. She added they need to try to nail down a baseline figure up front. She reminded the Board that they could always decide they do not want the services of JCI anymore, and that is fine, there would then be no contract, but their guarantee would also be gone.

Board member Curtis agreed the Board can opt out at any time, but once they do, the guarantee of savings is gone.

Board member Hoehn asked if they do not pay the yearly fee, is the guarantee gone ?

Board member Curtis replied yes. He then moved the Board approve the addendum pending Attorney Higgins' revisions, financing be secured, and the scope of work and pricing not being changed. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

Board member Hoehn asked what exactly she is agreeing to as she will not agree to anything she has not read.

Attorney Higgins replied per the motion, she would be agreeing to the execution of the agreement subject to financing and revision of the scope of work that was put forward earlier.

Board member Fuelling added the scope of work is as Board member Curtis explained earlier.

Board member Curtis added there are nine points on the scope of work, which he then read aloud.

Board member Hoehn stated she is new to the Board and this is a very large project, she can not sign off on it until she takes a look at it. She then stated she is not against it, but that is where she is at the moment. She added she realizes they need to do something but she can not sign her name to \$5M, she just can't do that.

Board member Curtis replied he is pushing because he is familiar with the project and he understands Board member Hoehn's point. He added the Aventine deadline is fast approaching.

Board member Fuelling stated he has been to the water plant and looked at every pipe, pump, etc., he has looked at it all.

Board member Hoehn replied she has as well, and she is not saying the work does not need to be done, but she is responsible if she signs off on it and it isn't done right.

Mayor Tucker stated if there is no further discussion, he will call roll. He then called roll as follows:

Askren – yes; Fuelling – yes; Hoehn – no;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried 4-1.

Mayor Tucker stated the next item is designation of a newspaper for Utility Board publications.

Board member Curtis stated as this is the City of Mount Vernon, he moved they use the Mount Vernon Democrat. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Utility Board ? Rosemary Knowles approached and stated she would like to address the Crowe Chizek bill, of which they had discussed many times. She added Attorney Higgins wanted this bill cleared up before her administration left office, as it was her understanding. She stated the Board did not feel they owed the bill and she did not feel they did either. She added it was for work done at the Expressway dealerships, and there was no contract. She went to Crowe and told them she did not feel the city owed this but they did also work on some TIF issues with Expressway and trying to determine what kind of tax money they would be looking at gaining and possibly trying to find the city some money for a police and fire station. She added they did a lot of pro bono work, free work, quite a bit actually. She asked that they rewrite the bill for the work that was actually done and the city would pay it.

Board member Curtis stated he has always felt that is someone was authorized to do work and they did the work, they should be paid for it.

Mayor Tucker asked if anyone else wished to address the Board ?  
There was no response.

Mayor Tucker asked if there was any Old Business ?  
There was none.

Mayor Tucker asked if there was any New Business ?  
There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Board member Fuelling moved the meeting be adjourned. Seconded by Board member Higgins.  
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

---

John Tucker  
Mayor

ATTEST:

---

Cristi L. Wolfe  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Comm. Maynard; Rosemary Knowles; Andy Hoehn; Ron Neuman; Jim Powers; Dave and Judy Whitten; Jesse Montgomery; Kay Kilgore; Mary Rose; Geneva James; Jerry Walden; Dick Honebrink, Tom Hogan, and Mike Radiman – Johnson Controls, Inc.; Elaine Springer; Ed and Glenda Adams; Ann Blackburn; Sis Claxton; Barry Tanner; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.  
Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he would first like to thank Mayor Tucker for this opportunity and he looks forward to working with his administration. He then stated he would like to praise the men at the street department. Last Tuesday during the storm, a tree went down and they were right there getting it cleaned up fast. He added they have also been working on a drain problem at West School. He then stated he would like to thank Asst. St. Comm. Miller for everything – he does a great job and has been a great help. He concluded by stating Monday the 21<sup>st</sup> is a holiday and trash will be picked up on Tuesday, January 22.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There was no response.

Sewer Chairwoman Higgins stated she spoke with Supt. Givens and he had no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if Clerk-Treasurer Wolfe had any Communications for the Council ? Clerk-Treasurer Wolfe stated they received another small tax advance last week, and they are at the max of 80% that they can receive now until there is an actual tax settlement. She added some departments are still hurting, mainly the Park & Rec Department, which is going to have to watch spending VERY closely. She added all departments really need to keep an eye on things and tighten their belts.

Mayor Tucker stated the first item on the Legal portion of the Agenda is possible first reading on Ordinance of Additional Appropriations concerning the EDC Fund.

Attorney Higgins stated she and Clerk-Treasurer Wolfe discussed this and she will be drafting this ordinance by the next meeting.

Mayor Tucker stated the next item for consideration is designation of a newspaper for Council publications.

Councilwoman Askren stated since the Utility Board went with the MV Democrat, she moved the Council use them as well. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

David Whitten approached and stated the holiday on the 21<sup>st</sup> – that is the 3<sup>rd</sup> Monday and the 1<sup>st</sup> and 3<sup>rd</sup> Mondays are his recycle days – it seems the city could come up with a plan to catch up the recycle route for the folks that are missed on those days. He added they end up going a full month without recycles being picked up, and it happens quite frequently. He would request the city look into some way to pick those up on alternate days or reduce the trash pick up bill accordingly as they are paying for services they are not receiving.

Councilwoman Hoehn asked if the Board of Works could look into that, changing the recycle schedule ?

Councilwoman Askren replied the Board can discuss that with St. Comm. Maynard, or possibly have a drop place at the Street Department ?

Councilwoman Higgins suggested they contact Solid Waste Management.

Councilwoman Hoehn suggested again the Board of Works look into trying to find alternate days.

Mayor Tucker agreed they can look into this on Thursday at the Board of Works meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated there is a water problem behind the houses in David Addition and he has talked with several of the residents there. He added the residents understand it is a “mutual” ditch and that they are responsible; they are looking into ways to remedy the situation. It is a legitimate problem.

Councilwoman Higgins stated she also talked with two of the residents and all agreed it needs to be a uniform fix.

Councilman Fuelling added he also talked with the maintenance department at Green Valley Apartments and they are also looking into ways to help the situation on their end, and mentioned the possibility of baffling some rock.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated with the Schneider Funeral Home's new parking lot, a sign may need to be place on Walnut informing those from out of town about Walnut being a one-way street.

Comm. Maynard stated he will look into that.

Mayor Tucker agreed there may need to be some arrows or something, some kind of marking.

Mayor Tucker reminded Department Heads that their year-end reports are due at the next meeting, and they will need to make 10 copies.

Councilman Curtis stated in reference to that, he would also like to see what they think the biggest will be for the department in the coming year. He added he finds that helpful.

Mayor Tucker stated the Council needs to designate a Mayor Pro Tem.

Councilwoman Askren moved Councilman Curtis serve as Mayor Pro Tem. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

---

John Tucker  
Mayor

ATTEST:

---

Cristi L. Wolfe  
Clerk-Treasurer